IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.1439 OF 2003.

WITH

CIVIL APPLICATION NO.3836 OF 2003

Union of India
through the General Manager
Western Railway
Churchgate Mumbai, : Appellants.

versus

Shri.Ramesh Dattatraya Kulkarni
& ors. : Respondents.

Mr.Anand Samant for the appellants.
Megha Kodilkar for the respondents, absent.

CORAM : D.G.DESHPANDE,J.

DATED : 14th October 2005.

ORAL ORDER

1. Heard Mr.Samant for the Union of India. Name of advocate Megha Kodilkar for the respondents is there on record but nobody is present for the respondents.

2. A Similar question is raised by Mr.Samant in this matter, and that is, while passing an award by decree, the Tribunal has awarded 6% interest from the date of application till realisation. My attention was invited by Mr.Samant to a Judgment of the Single Bench. This point was decided by Justice Kochar in his Judgment dated 27.2.2002 in Writ Petition No.177 of 2002 and Mr.Samant states that this judgment of the Single Bench was upheld by the Division Bench (Khandeparkar and Mohata, JJ.) so far as interest is concerned in LPA No.74 of 2003 decided on 16.6.2005. In view of this judgment, I pass the following order :-

:ORDER:

Appeal is partly allowed.

Impugned Judgment is modified to the extent of interest i.e. Appellant to pay interest at the rate of 6% per annum from the date of the order of the Tribunal till the date of deposit. No order as to costs. Appeal is disposed of. Civil Application does not survive. It is

disposed of.

[D.G.DESHPANDE]